

where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

(b) *Soil stabilization.* Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. Stabilization must be completed within a period of time determined by the permitting authority. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.

(c) *Dewatering.* Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

(d) *Pollution prevention measures.* Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and

materials intended for outdoor use); and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(e) *Prohibited discharges.* The following discharges are prohibited:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(4) Soaps or solvents used in vehicle and equipment washing.

(f) *Surface outlets.* When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

[74 FR 63057, Dec. 1, 2009, as amended at 79 FR 12667, Mar. 6, 2014]

**§ 450.22 Effluent limitations reflecting the best available technology economically achievable (BAT).**

Except as provided in 40 CFR 125.30 through 125.32, any point source subject to this subpart must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT).

(a) Beginning no later than August 1, 2011 during construction activity that disturbs 20 or more acres of land at one time, including non-contiguous land disturbances that take place at the same time and are part of a larger common plan of development or sale; and no later than February 2, 2014 during construction activity that disturbs ten or more acres of land area at one time, including non-contiguous land disturbances that take place at the same time and are part of a larger common plan of development or sale, the following requirements apply:

(1) Except as provided by paragraph (b) of this section, the average turbidity of any discharge for any day must not exceed the value listed in the following table:

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Pollutant	Daily maximum value (NTU) <sup>1</sup>
Turbidity .....	280

<sup>1</sup> Nephelometric turbidity units.

(2) Conduct monitoring consistent with requirements established by the permitting authority. Each sample must be analyzed for turbidity in accordance with methods specified by the permitting authority.

(b) If stormwater discharges in any day occur as a result of a storm event in that same day that is larger than the local 2-year, 24-hour storm, the effluent limitation in paragraph (a)(1) of this section does not apply for that day.

(c) *Erosion and sediment controls.* The limitations are described at § 450.21(a).

(d) *Soil stabilization.* The limitations are described at § 450.21(b).

(e) *Dewatering.* The limitations are described at § 450.21(c).

(f) *Pollution prevention measures.* The limitations are described at § 450.21(d).

(g) *Prohibited discharges.* The limitations are described at § 450.21(e).

(h) *Surface outlets.* The limitations are described at § 450.21(f).

[74 FR 63057, Dec. 1, 2009, as amended at 75 FR 10439, Mar. 8, 2010]

EFFECTIVE DATE NOTE: At 75 FR 68217, Nov. 5, 2010, in § 450.22, paragraphs (a) and (b) were stayed indefinitely, effective Jan. 4, 2011.

EDITORIAL NOTE: At 79 FR 12667, Mar. 6, 2014, § 450.22 was amended; however, the amendment could not be incorporated due to inaccurate amendatory instruction.

### § 450.23 Effluent limitations reflecting the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any point source subject to this subpart must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best conventional pollutant control technology (BCT). The effluent limitations are described at § 450.21.

### § 450.24 New source performance standards reflecting the best available demonstrated control technology (NSPS).

Any new source subject to this subpart must achieve, at a minimum, the

following new source performance standards representing the degree of effluent reduction attainable by application of the best available demonstrated control technology (NSPS): The standards are described at § 450.22.

## PART 451—CONCENTRATED AQUATIC ANIMAL PRODUCTION POINT SOURCE CATEGORY

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### Subpart A—Flow-Through and Recirculating Systems Subcategory

451.10 Applicability.

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### Subpart B—Net Pen Subcategory

451.20 Applicability.

451.21 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

451.22 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).

451.23 Effluent limitations attainable by the application of the best conventional technology (BCT).

451.24 New source performance standards (NSPS).

AUTHORITY: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671, 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., 973.

SOURCE: 69 FR 51927, Aug. 23, 2004, unless otherwise noted.

### § 451.1 General applicability.

As defined more specifically in each subpart, this part applies to discharges